THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION Nos.7781, 7926 AND 7927 OF 2005

Dated: 10-11-2005

WP.No.7781 of 2005

Between

P.V. Subba Rao, S/o. Sri Venkatachalam, Occ: Agriculture,
R/o. Kovvur, Nellore District.

...PETITIONER

AND

The Chief Executive Officer, A.P. State Wakf Board, Opp: Public Gardens, Hyderabad.

...RESPONDENTS

WP.No.7926 of 2005

Between

Smt. Vadlamudi Ammnamma, W/o. Sri. Kesavaiah, Occ: Agriculture,
R/o. Kovvur, Nellore District.

...PETITIONER

AND

The Chief Executive Officer, A.P. State Wakf Board, Opp: Public Gardens, Hyderabad.

...RESPONDENTS

WP.No.7927 of 2005

Between

Vadlamudi Kesavaiah, S/o. Sri Balakrishnaiah, Occ: Agriculture,
R/o. Kovvur, Nellore District.

…PETITIONER

AND

The Chief Executive Officer, A.P. State Wakf Board, Opp: Public Gardens, Hyderabad.

…RESPONDENTS

COMMON ORDER:

Petitioners in all these writ petitions question the different impugned proceedings dated 05.02.2005 issued by the Chief Executive Officer, A.P. State Wakf Board, Hyderabad under Section 54(3) of the Wakf Act, 1995 (for short 'the Act')

Against the orders passed under Section 54(3) of the Act an appeal lies under Section 54(4) of the Act before the Wakf Tribunal.

It is submitted that the petitioners have not filed an appeal for the reason that the Presiding Officer of the Tribunal was on leave up to 18.04.2005.

Learned counsel for the respondent submits that the said averment that the Presiding Officer was on leave up to 18.04.2005 is factually incorrect. This Court dismissed a batch of writ petitions having similar facts and circumstances as the case on hand directing the petitioners to avail alternative remedy of appeal before the Wakf Tribunal.

Having regard to the facts and circumstances of the case, the writ petitions are dismissed and the interim orders granted earlier are vacated. However, it is open for the petitioners to question the impugned proceedings dated 05.02.2005 by filing an appeal before the Wakf Tribunal in accordance with law.

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V. ESWARAIAH, J

November 10, 2005

DSK